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DOCKET NO: S1393.70011US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Edith Mathiowitz et al.
Serial No: Not Yet Assigned
Confirmation No: Not Yet Assigned
Filed: Herewith
For: METHOD FOR MICRONIZATION OF HYDROPHOBIC
DRUGS
Examiner: Not Yet Assigned
Art Unit: Not Yet Assigned

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application. The applicant would like to bring to the Examiner's attention the following co-pending applications (copies enclosed with parent application 10/215,208) that may contain subject matter related to this application:

<u>Docket No.</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
S1393.70009US00	10/316,128	12-10-2002	Bassett, et al.
S1393.70011US00	10/215,208	08-08-2002	Mathiowitz, et al.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

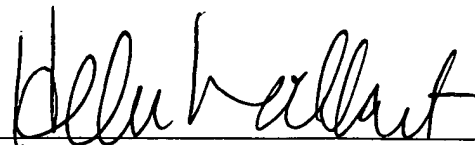
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,
Edith Mathiowitz et al., *Applicant*

By: _____



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Docket No. S1393.70011US01
Date: January 16, 2004
XNDDX

FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: Not Yet Assigned		ATTY. DOCKET NO.: S1393.70011US01	
				FILING DATE: Herewith		CONFIRMATION NO.: Not Yet Assigned	
				APPLICANT: Edith Mathiowitz et al.			
				GROUP ART UNIT: Not Yet Assigned		EXAMINER: Not Yet Assigned	
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U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	*	6,113,795	A	Subramaniam et al.	09-05-2000
	*	6,143,211	A	Mathiowitz et al.	11-07-2000
	*	4,211,578	A	Scott, IV	07-08-1980
	*	4,655,941	A	Suzuki	04-07-1987
	*	5,478,564		Wantier et al.	12-26-1995
	*	5,679,377		Bernstein, et al.	10-21-1997
	*	5,718,921		Mathiowitz, et al.	02-17-1998
	*	5,853,698		Straub, et al.	12-29-1998
	*	5,876,756		Takada, et al.	03-02-1999
	*	5,912,017		Mathiowitz, et al.	06-15-1999
	*	5,922,355		Parikh, et al.	07-13-1999
	*	5,955,096		Santos, et al.	09-21-1999
	*	5,985,312		Jacob, et al.	04-20-1999
	*	5,985,354		Mathiowitz, et al.	11-16-1999
	*	6,022,564		Takechi, et al.	02-08-2000
	*	6,042,792		Shefer et al.	03-28-2000
	*	6,117,455		Takada, et al.	09-12-2000
	*	6,120,803		Wong et al.	09-19-2000
	*	6,123,965		Jacob, et al.	09-26-2000
	*	6,143,211		Mathiowitz, et al.	11-07-2000
	*	6,156,348		Santos, et al.	12-05-2000
	*	6,193,951		Ottoboni et al.	02-27-2001
	*	6,197,346	B1	Mathiowitz, et al.	03-06-2001
	*	6,217,908	B1	Mathiowitz, et al.	04-17-2001
	*	6,235,224	B1	Mathiowitz, et al.	05-22-2001
	*	6,235,313	B1	Mathiowitz, et al.	05-22-2001
	*	6,248,720	B1	Mathiowitz, et al.	06-19-2001
	*	6,274,174	B1	Hom-ma, et al.	08-14-2001
	*	6,294,204	B1	Rossling et al.	09-25-2001
	*	5,271,961		Mathiowitz et al.	12-1993
	*	5,298,355		Tyagi et al.	03-1994
	A1	6,616,869	B2	Mathiowitz et al.	09-09-2003

FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: Not Yet Assigned		ATTY. DOCKET NO.: S1393.70011US01	
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				GROUP ART UNIT: Not Yet Assigned		EXAMINER: Not Yet Assigned	
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FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
	*	WO	*98/52544	A1	Astra Aktiebolag	11-26-1998	
	*	WO	*00/61113	A1	Phares Pharmaceuticals Research N.V.	10-19-2000	
	*	WO	*00/76483		Samyang Corporation	12-21-2000	
	*	WO	01/51032	A2	Brown University Research Foundation	07-19-2001	
	*	WO	01/26635	A2	Elan Pharma International LTD	04-19-2001	

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)	
	*	International Search Report dated 01-06-2003 for PCT International Application No. PCT/US02/25134		

EXAMINER	DATE CONSIDERED
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. 10/215,208, filed August 8, 2002 , and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - Must provide a copy of any patent, publication, other information listed, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]